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PATENT

REMARKS

The specification has been amended at pages 9 and 10 to address the objection under 37 C.F.R. § 1.84(p)(5).

Claims 5 and 26 have also been amended to address the rejection under 35 U.S.C. § 112.

Accordingly, the claims and specification are now submitted to be in proper form.

Claims 6-21 and 27 have been withdrawn. Accordingly, claims 1, 2, 4, 5 and 22-26 are at issue. These claims have all be rejected as being anticipated by Romine U.S. Patent No. 6,308,483. Applicant respectfully traverses this rejection.

Applicants respectfully submit that Romine neither discloses nor renders obvious the inventive dowel which, as recited in claim 1, includes cutting devices at the lower side of the pressing plate at the circumference of said pressing plate for cutting in the insulating plate during pulling in of pressing plate into the insulating plate under simultaneous compression of said insulating plate.

Rather, Romine discloses a roofing fastener assembly comprising a fastener 100, a screw 12 and a washer 140. The washer 140 comprises a second curved surface 144 which is convex and includes a plurality of outwardly-projecting barbs 146 (*cf.* column 4, lines 13 to 15). The barbs comprise a certain length in order to ensure adequate penetration and adhesion between the roofing fastener assembly and the roof material (*cf.* column 4, lines 25 to 28).

It is thus clear that the washer 140 and the fastener 100 of Romine are two separate elements, with the barbs 146 being arranged at the surface 144 of the washer 140 and not at the tapered face 106 of the fastener head 102. The inventive cutting devices are, by contrast, recited as being at the lower side of the pressing plate of the dowel.

Further, contrary to the assertion in the Office Action, the barbs 146 are not arranged at the circumference of the pressing plate. Even if one would consider the washer 140 to be a pressing plate, it is clear from Figs. 2, 4, 5 and 6 that the barbs 146 of Romine are rather spread over the area covered by the washer (*cf.* column 6, lines 19 to 22) rather than being positioned at its circumference. In fact, the circumference 153 of the Romine washer is explicitly defined in the description of Fig. 6 as being spaced a selected distance from the circumference 151 of the head 102 (*cf.* column 4, lines 42 to 43), and Fig. 6 shows no barbs shown at the circumference 153 of the washer.

In addition, without the circumferential cutting devices of the claimed structure, the Romine fastener assembly could not provide for a clean radial face surface as the inventive dowel does, which is necessary for a well-fitting insertion and a tight support of the covering within the insulating plate (*cf.* page 10, lines 15 to 18 of the application).

Still further, Romine expressly states that the engagement between the barbs 146 and the roofing materials 56, 57 resists the rotation of the washer 140

relative to the rotation of the fastener 100 (*cf.* column 5, lines 64 to 66) during installation, and accordingly Romine actually teaches away from the invention.

Moreover, the fastener head 102 in Romine does not pull into the insulating material (as can be seen in Fig. 5).

Simply put, there is no suggestion whatsoever in Romine of cutting in a circle into the insulating material and *compressing* the insulating material defined by the circle by means of the pressing plate. Therefore, Romine neither teaches nor suggests the claimed structure. Accordingly, independent claim 1 is submitted to be clearly allowable over Romine.

Claim 2 depends from claim 1 and recites a pressing plate having a pressing plate shaft attached therewith, wherein the pressing plate shaft and the dowel sleeve can be axially shifted against each other. Claim 4 also depends from claim 1, and recites that the pressing plate includes an engagement device in which the expansion element can engage. Claim 5 depends from the preceding claims and recites that the dowel sleeve comprises an anti-twist device against twisting of the dowel sleeve (as does claim 26, which variously depends from each of claims 1, 2 and 22-25). Claims 22 and 23 depend from claims 1 and 2 respectively, and further recite that the pressing plate comprises a recess for the engagement of a drive. Claims 24 and 25 depend from claims 22 and 23 respectively and further recite (like claim 4) that the pressing plate includes an engagement device in which the expansion element can engage. Accordingly, dependent claims 2, 4, 5 and 22-26 further recite

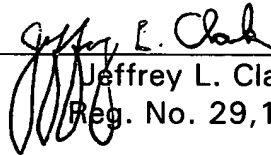
advantageous structural features of the present invention, and are believed to be allowable over the prior art for that reason, as well as the reasons set forth with respect to claim 1.

In summary, pending claims 1, 2, 4, 5 and 22-26 are believed to be in condition for allowance. Early notification to that effect is respectfully requested.

Respectfully submitted,

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